

EFFECTIVE DATE OF 1992 AMENDMENT

Section 2(d) of Pub. L. 102-417 provided that: "The amendments made by this section [amending this section] shall be effective on and after the date of the enactment of this act [Oct. 14, 1992] and shall apply to any witness who testified before such date and has not received any fee or allowance under section 1821 of title 28, United States Code, relating to such testimony."

PAYMENT OF FACT WITNESS FEE TO INCARCERATED PERSON PROHIBITED

Pub. L. 102-395, title 1, § 108, Oct. 6, 1992, 106 Stat. 1841, provided that: "Notwithstanding 28 U.S.C. 1821, no funds appropriated to the Department of Justice in fiscal year 1993 or any prior fiscal year, or any other funds available from the Treasury of the United States, shall be obligated or expended to pay a fact witness fee to a person who is incarcerated testifying as a fact witness in a court of the United States, as defined in 28 U.S.C. 1821(a)(2)."

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 102-140, title 1, § 110, Oct. 28, 1991, 105 Stat. 795.

Pub. L. 102-27, title II, § 102, Apr. 10, 1991, 105 Stat. 136.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 604, 2503 of this title.

§ 1825. Payment of fees**CHANGE OF NAME**

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

§ 1827. Interpreters in courts of the United States**CHANGE OF NAME**

Reference to United States magistrate or to magistrate deemed to refer to United States magistrate judge pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

CHAPTER 121—JURIES; TRIAL BY JURY

Sec.

1878. Optional use of a one-step summoning and qualification procedure.

AMENDMENTS

1992—Pub. L. 102-572, title IV, § 403(b), Oct. 29, 1992, 106 Stat. 4512, substituted "Optional" for "Experimental" in item 1878.

§ 1863. Plan for random jury selection

[See main edition for text of (a)]

(b) Among other things, such plan shall—

[See main edition for text of (1)]

(2) specify whether the names of prospective jurors shall be selected from the voter registration lists or the lists of actual voters of the political subdivisions within the district or division. The plan shall prescribe some other source or sources of names in addition to voter lists where necessary to foster the policy and protect the rights secured by sections 1861 and 1862 of this title. The plan for the District of Columbia may require the names of prospective jurors to be selected

from the city directory rather than from voter lists. The plans for the districts of Puerto Rico and the Canal Zone may prescribe some other source or sources of names of prospective jurors in lieu of voter lists, the use of which shall be consistent with the policies declared and rights secured by sections 1861 and 1862 of this title. The plan for the district of Massachusetts may require the names of prospective jurors to be selected from the resident list provided for in chapter 234A, Massachusetts General Laws, or comparable authority, rather than from voter lists.

[See main edition for text of (3) to (8); (c) and (d)]

(As amended Oct. 29, 1992, Pub. L. 102-572, title IV, § 401, 106 Stat. 4511.)

AMENDMENTS

1992—Subsec. (b)(2). Pub. L. 102-572 inserted at end "The plan for the district of Massachusetts may require the names of prospective jurors to be selected from the resident list provided for in chapter 234A, Massachusetts General Laws, or comparable authority, rather than from voter lists."

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Jan. 1, 1993, see section 1101(a) of Pub. L. 102-572, set out as a note under section 905 of Title 2, The Congress.

§ 1871. Fees

[See main edition for text of (a)]

(b)(1) A juror shall be paid an attendance fee of \$40 per day for actual attendance at the place of trial or hearing. A juror shall also be paid the attendance fee for the time necessarily occupied in going to and returning from such place at the beginning and end of such service or at any time during such service.

(2) A petit juror required to attend more than thirty days in hearing one case may be paid, in the discretion of the trial judge, an additional fee, not exceeding \$10 more than the attendance fee, for each day in excess of thirty days on which he is required to hear such case.

(3) A grand juror required to attend more than forty-five days of actual service may be paid, in the discretion of the district judge in charge of the particular grand jury, an additional fee, not exceeding \$10 more than the attendance fee, for each day in excess of forty-five days of actual service.

[See main edition for text of (4) and (5)]

(c) [See main edition for text of (1) to (4)]

(5) A grand juror who travels to district court pursuant to a summons may be paid the travel expenses provided under this section or, under guidelines established by the Judicial Conference, the actual reasonable costs of travel by aircraft when travel by other means is not feasible and when certified by the chief judge of the district court in which the grand juror serves.

[See main edition for text of (d) to (g)]

(As amended Dec. 1, 1990, Pub. L. 101-650, title III, § 314(b), 104 Stat. 5115; Oct. 29, 1992, Pub. L. 102-572, title IV, § 402, 106 Stat. 4511.)

AMENDMENTS

1992—Subsec. (c)(5), Pub. L. 102-572 added par. (5).
1990—Subsec. (b), Pub. L. 101-650 substituted “\$40” for “\$30” in par. (1) and “\$10” for “\$5” in pars. (2) and (3).

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Jan. 1, 1993, see section 1101(a) of Pub. L. 102-572, set out as a note under section 905 of Title 2, The Congress.

REFRESHMENT OF JURORS

Pub. L. 101-162, title IV, Nov. 21, 1989, 103 Stat. 1012, provided: “That for fiscal year 1990 and hereafter, funds appropriated under this heading [COURTS OF APPEALS, DISTRICT COURTS AND OTHER JUDICIAL SERVICES AND FEES OF JURORS AND COMMISSIONERS] shall be available for refreshment of jurors.”

§ 1878. Optional use of a one-step summoning and qualification procedure

(a) At the option of each district court, jurors may be summoned and qualified in a single procedure, if the court’s jury selection plan so authorizes, in lieu of the two separate procedures otherwise provided for by this chapter. Courts shall ensure that a one-step summoning and qualification procedure conducted under this section does not violate the policies and objectives set forth in sections 1861 and 1862 of this title.

(b) Jury selection conducted under this section shall be subject to challenge under section 1867 of this title for substantial failure to comply with the provisions of this title in selecting the jury. However, no challenge under section 1867 of this title shall lie solely on the basis that a jury was selected in accordance with a one-step summoning and qualification procedure authorized by this section.

(As amended Pub. L. 102-572, title IV, § 403(a), Oct. 29, 1992, 106 Stat. 4512.)

AMENDMENTS

1992—Pub. L. 102-572 substituted “Optional” for “Experimental” in section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) The Judicial Conference of the United States is hereby authorized to develop and conduct an experiment in which jurors serving in a limited number of United States district courts shall be qualified and summoned in a single procedure, in lieu of the two separate procedures otherwise provided for by this chapter. The Judicial Conference shall designate the district courts to participate in this experiment, but in no event shall the number of courts participating exceed ten. An experiment may be conducted pursuant to this section for a period not to exceed 2 years. The Judicial Conference shall ensure that an experiment conducted pursuant to this section does not violate the policies and objectives set forth in sections 1861 and 1862 of this title, and shall terminate the experiment immediately if it determines that these policies and objectives are being violated or whenever in its judgment good cause for such termination exists.

“(b) Jury selection conducted pursuant to this section shall be subject to challenge under section 1867 of this title for substantial failure to comply with the provisions of this title in selecting the jury. However, no challenge under section 1867 of this title shall lie solely on the basis that a jury was selected in accord-

ance with an experiment conducted pursuant to this section.”

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Jan. 1, 1993, see section 1101(a) of Pub. L. 102-572, set out as a note under section 905 of Title 2, The Congress.

SAVINGS PROVISION

Section 403(c) of Pub. L. 102-572 provided that: “For courts participating in the experiment authorized under section 1878 of title 28, United States Code (as in effect before the effective date of this section [Jan. 1, 1993]), the amendment made by subsection (a) of this section [amending this section] shall be effective on and after January 1, 1992.”

CHAPTER 123—FEES AND COSTS

Sec.

1919. Dismissal for lack of jurisdiction.
1926. Court of Federal Claims.

AMENDMENTS

1992—Pub. L. 102-572, title IX, §§ 902(b)(2), 908(b)(2), Oct. 29, 1992, 106 Stat. 4516, 4519, substituted “Dismissal” for “District courts; dismissal” in item 1919 and “Court of Federal Claims” for “Claims Court” as item 1926.

§ 1911. Supreme Court

RULES OF THE SUPREME COURT

Fees to be charged pursuant to this section, see rule 38, Appendix to this title.

§ 1912. Damages and costs on affirmance

RULES OF THE SUPREME COURT

Interest and damages, see rule 42, Appendix to this title.

§ 1913. Courts of appeals

COURT FEES FOR ELECTRONIC ACCESS TO INFORMATION

Pub. L. 102-140, title III, § 303, Oct. 28, 1991, 105 Stat. 810, provided that:

“(a) The Judicial Conference shall hereafter prescribe reasonable fees, pursuant to sections 1913, 1914, 1926, and 1930 of title 28, United States Code, for collection by the courts under those sections for access to information available through automatic data processing equipment. These fees may distinguish between classes of persons, and shall provide for exempting persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information. The Director of the Administrative Office of the United States Courts, under the direction of the Judicial Conference of the United States, shall prescribe a schedule of reasonable fees for electronic access to information which the Director is required to maintain and make available to the public.

“(b) The Judicial Conference and the Director shall transmit each schedule of fees prescribed under paragraph (a) to the Congress at least 30 days before the schedule becomes effective. All fees hereafter collected by the Judiciary under paragraph (a) as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund pursuant to 28 U.S.C. 612(c)(1)(A) to reimburse expenses incurred in providing these services.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 101-515, title IV, § 404, Nov. 5, 1990, 104 Stat. 2132.